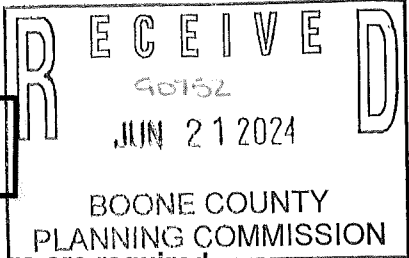


**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy and one (1) 11 x 17 reduction of submitted drawings ~~are required~~

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

**SECTION A:** (To be completed by applicant)

- 1. Check One  Boone  Florence  Walton  Union
- 2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
- 3. Applicant: Keating Muething & Klekamp PLL, on behalf of Gary Carver and James Sesher  
Address: 1 E Fourth Street, Suite 1400  
Cincinnati OH 45202  
City State Zip Code  
Phone Number: (513) 579-6400 Fax Number: (513) 579-6457  
Email: jparsons@kmlaw.com
- 4. Description of Request:  
Appeal of the Zoning Administrator's approval of the Application for Waiver of Requirements, dated May 28, 2024, from Tony Berling, Application. The Application and Waiver attached as Exhibit A.
- 5. Name of Development: Triple Crown Country Club/Section No. 20
- 6. Location of Development: Pimlico Park  
Union KY 41091  
City State Zip Code
- 7. Acreage Under Review: \_\_\_\_\_
- 8. Lot Number and Name of Subdivision (if part of a subdivision):  
Triple Crown Country Club/Section No. 20
- 9. Current Owner: Pimlico Park Homeowners Association, Inc.  
Address: 2320 Grandview Drive, Suite 101  
Ft. Mitchell KY 41017  
City State Zip Code  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

10. Proposed Use(s) on Site: \_\_\_\_\_
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_
12. Current Zoning: \_\_\_\_\_ Exempt Open Space
13. 

1163	382	2064
Deed Book	Page	Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_ May 29, 2024
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

*Keating, Mueller + Kleban PLLC*  
*By: Jim Larson, Partner*  
*on behalf of Gary Carver and James Sester*

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 6/21/2024 Fee Received: \$ 716.00 Receipt #: 90752

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 8/14/2024

5. Board Action: 8/14/2024

\_\_\_\_\_ Approved

\_\_\_\_\_ Approved with Conditions (see #6)

\_\_\_\_\_ Denial (See #7)

6. Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Reasons for Denial: See Minutes

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#1

APPLICANT: Keating Muething & Klekamp PLL, per James Parsons, on behalf of Gary Carver and James Sesher

LOCATION: Terminus of Pimlico Park, having a Parcel Identification Number (PIDN) of 064.20-07-000.12, Boone County, Kentucky

ZONING: Suburban Residential Two/Recreation/Planned Development (SR-2/R/PD)

DATE: August 14, 2024

### DESCRIPTION OF REQUEST AND ISSUE

1. On May 29, 2024, the Boone County Zoning Administrator approved a Waiver of Section 405.B.4 of the Boone County Subdivision Regulations to allow for three (3) additional flag lots at the terminus of Pimlico Park.
2. The applicant is appealing the Boone County Zoning Administrator's decision.

### PERTINENT REGULATIONS

1. The Boone County Zoning Map identifies the area in question as being zoned Suburban Residential Two/Recreation/Planned Development (SR-2/R/PD).
2. Section 405.B.4 of the subdivision regulations reads as follows:
  - a. Flag lots shall only be permitted in those locations where because of geometric, topographic, or other natural features, it would be impractical to extend a public street.
  - b. Flag lots shall have a panhandle extending to a publicly dedicated street for the purpose of access, and shall have two conforming lots adjoining the flag lot (see examples on following pages).
  - c. Flag lots in agricultural and residential subdivisions shall meet the following standards:
    - (1) Single flag lots shall have twenty (20) feet of frontage on a publicly dedicated street.
    - (2) In the case of two contiguous flag lots, there shall be thirty (30) feet of frontage on a publicly dedicated street with a common driveway.
    - (3) With two contiguous flag lots, a deeded fifteen (15) foot strip of land for each lot is required with a common unobstructed access easement for a shared driveway to the public street.
3. Section 202 of the subdivision regulations reads as follows:
  - a. Upon request to the Zoning Administrator, an applicant, developer or property owner may seek a waiver of any regulation contained herein based upon a written request.

- b. Upon submittal of the appropriate application, the Zoning Administrator shall review the individual request and grant a waiver under unusual or extreme circumstances, while still meeting the purpose and authority sections of this document.
    - c. The Zoning Administrator shall also inform the Planning Commission on a regular basis the results of all waiver requests.
4. Section 206.A of the subdivision regulations states that any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision by the Zoning Administrator or the Boone County Planning Commission's staff relative to the administration of these regulations may appeal such decision to the Board of Adjustment within thirty (30) days. Such appeal shall follow the procedures and notice requirements for an appeal of the Zoning Administrator's decision as stated in Section 203 of the zoning regulations.
5. Section 203 of the zoning regulations reads as follows:
  - a. It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the appropriate court of jurisdiction as provided by law. It is further the intent of these regulations that the duties for the legislative bodies in connection with these regulations shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and these regulations. Under these regulations, the legislative bodies shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of these regulations as provided by law.
  - b. Appeals shall conform to the procedures and requirements of these regulations and KRS 100.257-100.263. As specified in these regulations, the Board of Adjustment has appellate jurisdiction relative to appeals.
  - c. Appeals to the Board of Adjustment may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or their agent receives notice of the action of the official by filing with said officer and with the Board of Adjustment, a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, any interested person may appear and enter their appearance, and shall be given an opportunity to be heard.
  - d. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to

the Board of Adjustment after the notice of appeal is filed with the Administrator, that by reason of facts stated in the application, a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted upon application to the proper court of record, on notice to the Zoning Administrator from whom the appeal is taken.

#### PREVIOUS ACTIONS

1. On August 22, 1989, the Boone Fiscal Court adopted Ordinance Number 920.186, changing the zoning of the site in question, and the adjacent area, from A-2, RS, and SR-1 to SR-2/R/PD to allow the development of a mixed use residential development (Triple Crown Country Club) (R-34-89).
2. On December 14, 2020, the Boone County Planning Commission approved a Final Plat for the Re-Subdivision of Triple Crown Country Club, HOA Parcel A and D, Section 20, Block M, creating fifteen (15) individual site lots, eight (8) of which are flag lots and one (1) that does not have frontage along a publicly dedicated roadway.
3. On May 29, 2024, the Boone County Zoning Administrator approved a Waiver of Section 405.B.4 of the Boone County Subdivision Regulations to allow for three (3) additional flag lots at the terminus of Pimlico Park on the following bases:
  - a. The request is consistent with the existing approved Concept Development Plan (R-34-89).
  - b. The request is consistent with Section 202 of the subdivision regulations.
  - c. The request will not adversely affect the public health, safety, or welfare.
  - d. The request does not pose an unreasonable circumvention of the regulations.
  - e. The site has the PD Overlay district which allows modifications to the underlying zone(s).
  - f. The request will provide for development that is consistent with the existing land uses of adjacent areas.

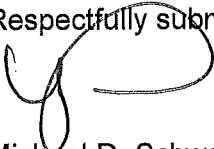
#### ANALYSIS

1. Both the Boone County Subdivision Regulations and the Boone County Zoning Regulations give the zoning administrator the authority to grant waivers or modifications.
2. The existing approved Concept Development Plan identifies additional single-family residential dwellings within the area of the site in question.
3. The approval of the Final Plat in 2020 provided the precedent to allowing flag lots within the Pimlico Park area.
4. The proposal for three (3) additional flag lots does not change the character of the area and does not significantly increase traffic within the area that was not already approved as part of the 1989 zoning map amendment and change of concept development plan.

CONCLUSION

Section 160 of the Boone County Subdivision Regulations give the Boone Board of Adjustment the authority to act on this request. In order for an appeal to be granted, the Board must determine that the administrative decision in question is in error.

Respectfully submitted,



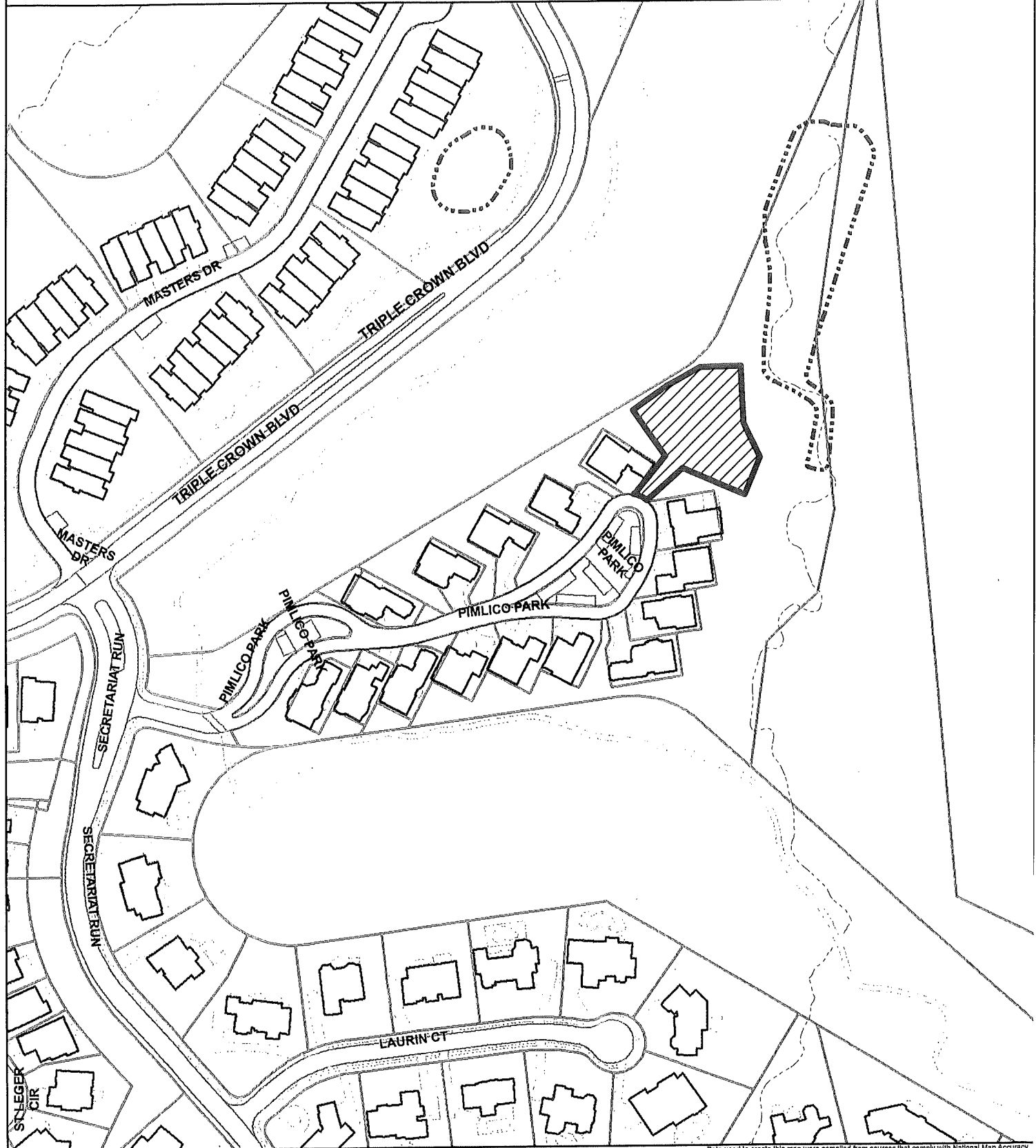
Michael D. Schwartz  
Director, Zoning Services  
Zoning Administrator

Attachments

- Vicinity Map
- Zoning Map
- Potential Development
- Existing Approved Concept Development Plan (1989)
- Final Plat (2020)
- Exhibit 1 - Waiver Application
- Exhibit 2 – Appeal Application

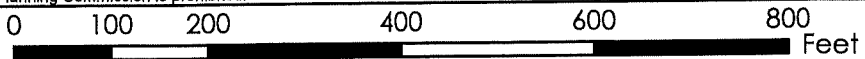
# Vicinity Map

www.boonecountygis.com



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1 Inch = 200 feet

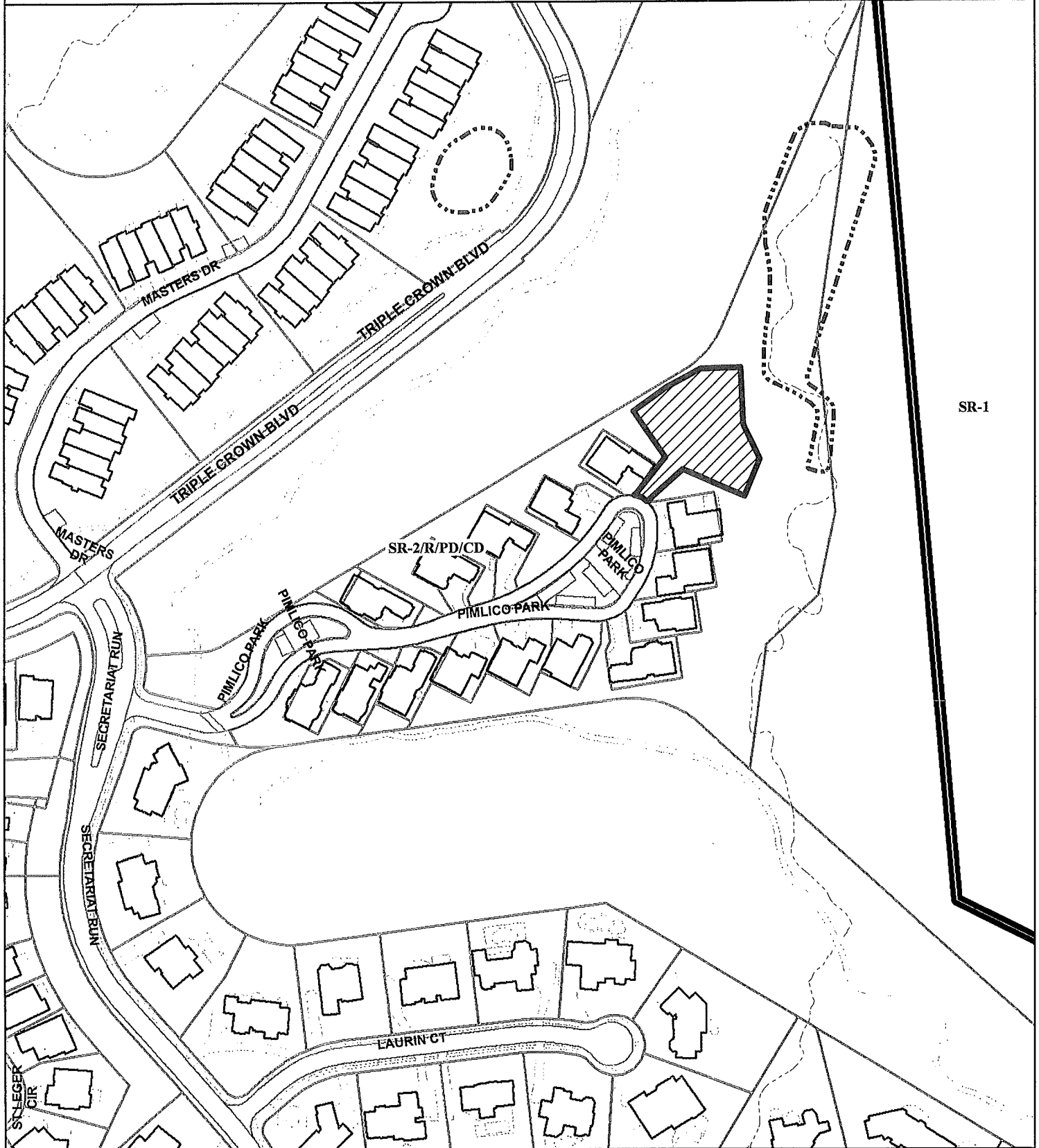


**Boone County GIS - Putting Northern Kentucky on the Map**



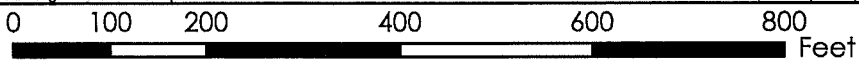
# Zoning Map

www.boonecountygis.com



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1 inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



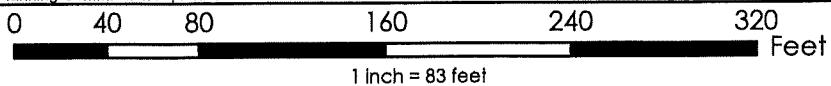
# Potential Development

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**



# **RICHWOOD**

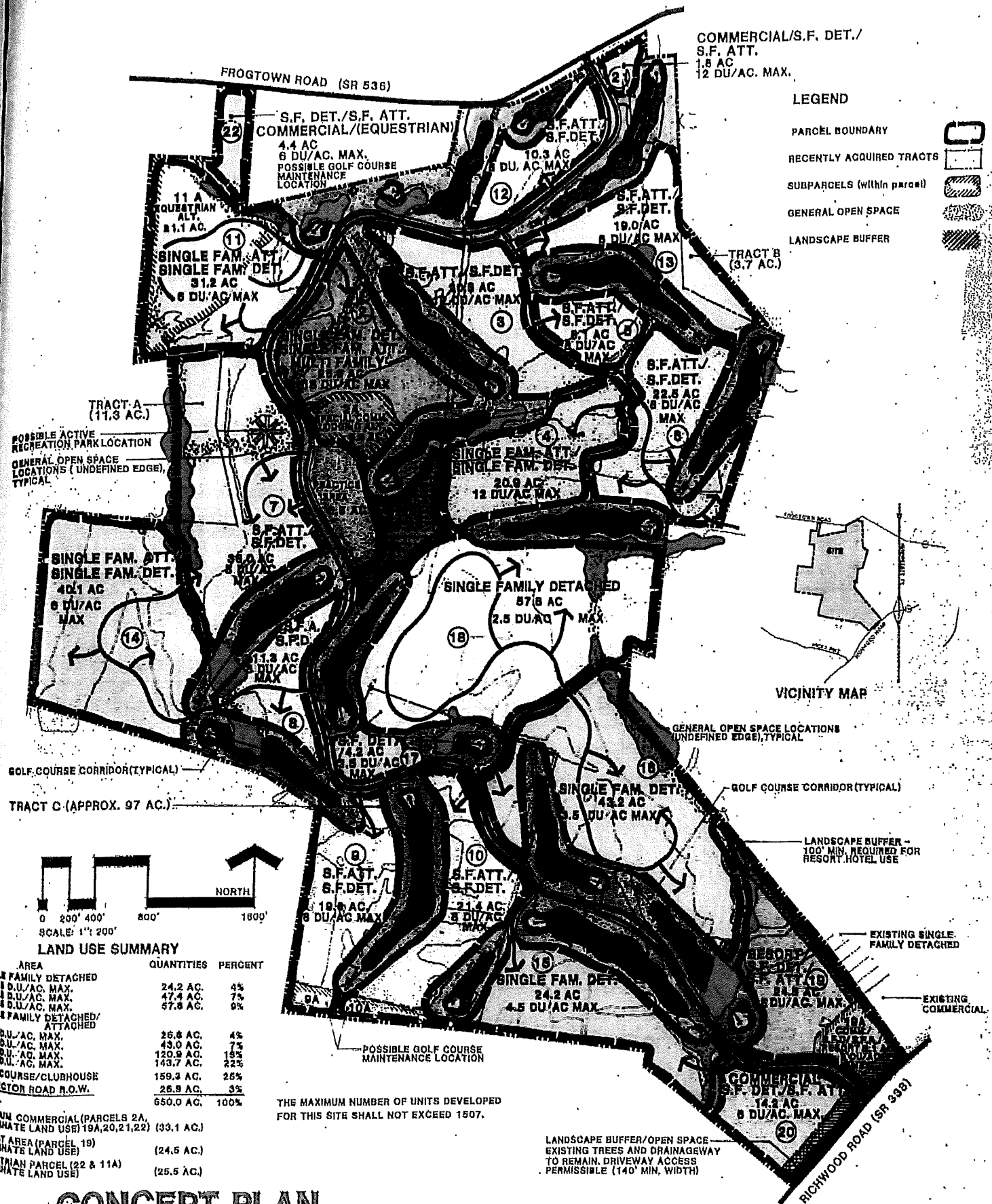
## **Country Club**



**Boone County, Kentucky**






**G.M.G. A Kentucky General  
Partnership**

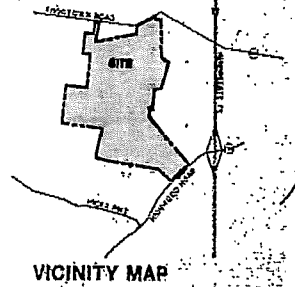
**David Jensen Associates, Inc.  
planning consultants**



COMMERCIAL/S.F. DET./  
S.F. ATT.  
1.8 AC  
12 DU/AC. MAX.

**LEGEND**

- PARCEL BOUNDARY 
- RECENTLY ACQUIRED TRACTS 
- SUBPARCELS (within parcel) 
- GENERAL OPEN SPACE 
- LANDSCAPE BUFFER 



**LAND USE SUMMARY**

AREA	QUANTITIES	PERCENT
SINGLE FAMILY DETACHED		
4.5 D.U./AC. MAX.	24.2 AC.	4%
8 D.U./AC. MAX.	47.4 AC.	7%
12 D.U./AC. MAX.	57.8 AC.	9%
SINGLE FAMILY DETACHED/ ATTACHED		
12 D.U./AC. MAX.	25.8 AC.	4%
18 D.U./AC. MAX.	43.0 AC.	7%
24 D.U./AC. MAX.	120.9 AC.	19%
30 D.U./AC. MAX.	143.7 AC.	22%
GOLF COURSE/CLUBHOUSE	159.3 AC.	25%
ALONG ROAD R.O.W.	25.9 AC.	3%
TOTAL	650.0 AC.	100%

THE MAXIMUM NUMBER OF UNITS DEVELOPED FOR THIS SITE SHALL NOT EXCEED 1507.

LANDSCAPE BUFFER/OPEN SPACE  
EXISTING TREES AND DRAINAGEWAY  
TO REMAIN. DRIVEWAY ACCESS  
PERMISSIBLE (140' MIN. WIDTH)

# CONCEPT PLAN

June 10, 1989

# RICHWOOD COUNTRY CLUB

BOONE COUNTY, KENTUCKY

**DEVELOPER:**  
G.M.G., A KENTUCKY  
GENERAL PARTNERSHIP  
P.O. BOX 308

**PLANNERS:**  
DAVID JENSEN ASSOCIATES  
360 SOUTH MONROE, SUITE 120  
DENVER, CO. 80209

**ENGINEER:**  
JAMES W. BERLING  
1671 PARK ROAD  
FORT WRIGHT, KY. 41011

**GOLF COURSE ARCHITECT:**  
GENE BATES  
1150 SOUTH U.S. HIGHWAY 1  
JUPITER, FL. 33477

III. LAND USE SUMMARY

<u>Area</u>	<u>Quantities</u>	<u>Percentages</u>
Single Family Detached		
4.5 du/ac maximum	24.2 acres	4%
3.5 du/ac maximum	47.4 acres	7%
2.5 du/ac maximum	57.8 acres	9%
Single Family Detached/Attached		
18 du/ac maximum	26.8 acres	4%
12 du/ac maximum	43.0 acres	7%
8 du/ac maximum	120.9 acres	19%
6 du/ac maximum	143.7 acres	22%
Golf Course/Clubhouse	159.3 acres	25%
Collector Road R.O.W.	26.9 acres	3%
<b>Total</b>	<b>650.0 acres</b>	<b>100%</b>
Maximum Commercial (Alternate Land Use)	(33.1 acres)	
Resort Area (Parcel 19) (Alternate Land Use)	(24.5 acres)	
Equestrian Parcel (22 & 11A) (Alternate Land Use)	(25.5 acres)	

The maximum number of units developed for the entire site shall not exceed 1,507.

Maximum overall density 2.32 units/acre  
 Maximum number of attached units (6 du or greater) 60% of total units; 979 units.

Individual parcels have the potential to be developed to the maximum allowable land use densities defined on the plan and within these development guidelines. The uses identified in each parcel allow for flexibility to respond to the market conditions, while maintaining the character and integrity of the concept plan. Stating the maximum density for each parcel accounts for the maximum shift of density to any parcel, while maintaining the overall total units at 1,507.

The following parcel numbers refer to the development parcels on the Concept Plan and provide a land use summary for each parcel and alternate uses.

PARCEL: 11A Alternate

---

USE: Equestrian Facility

DENSITY: N/A

ACREAGE: 21.1

SPECIAL CONDITIONS:

1. Optional use for portion of Parcel 11.

PARCEL: 12

---

USE: Single Family Attached  
Single Family Detached

DENSITY: Large Lot  
Medium/Large Lot  
Medium Lot  
Small Lot

Overall Maximum 6.0 du/ac

ACREAGE: 10.3

MAX. TOTAL UNITS: 61

PARCEL: 13

---

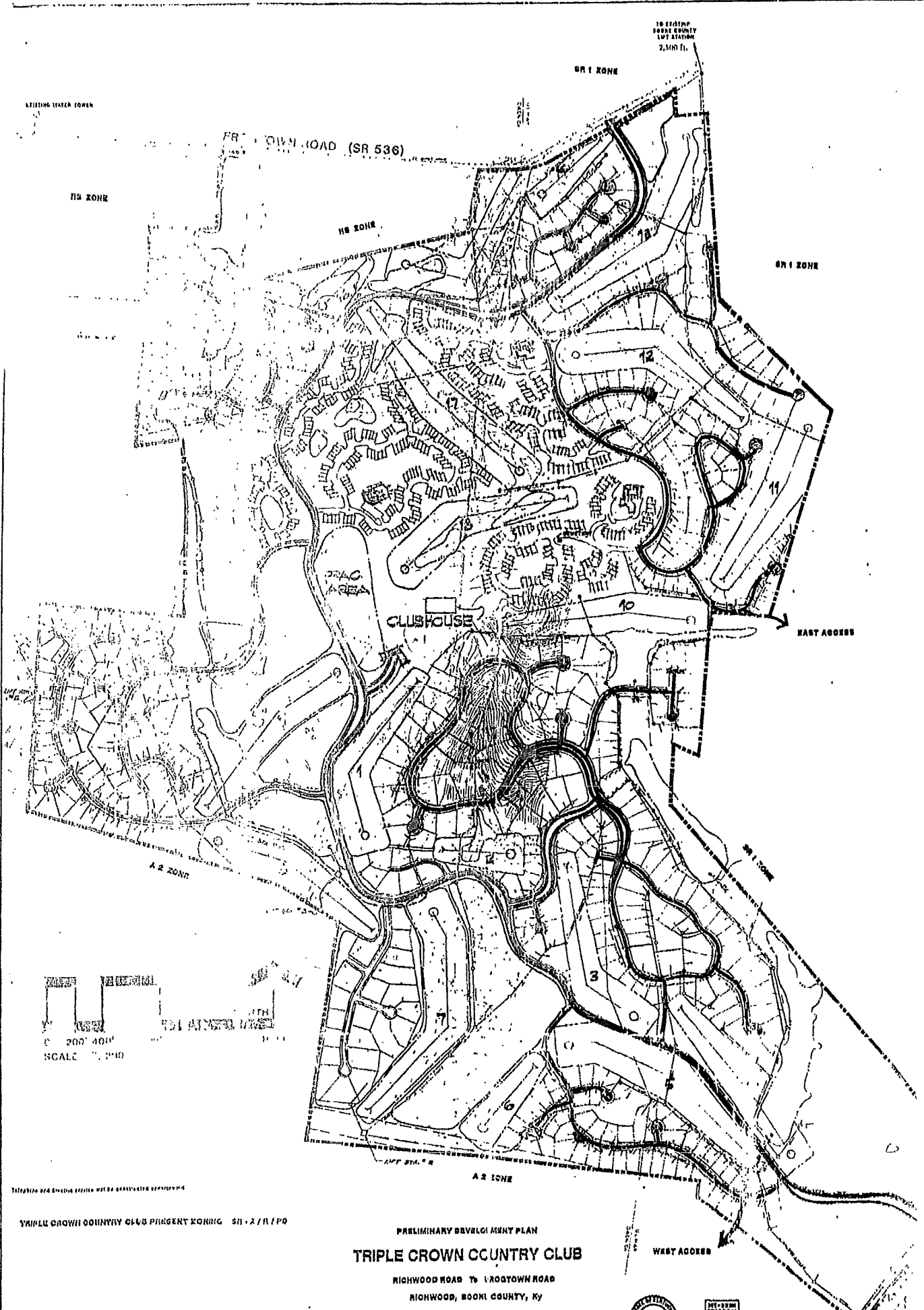
USE: Single Family Attached  
Single Family Detached

DENSITY: Large Lot  
Medium/Large Lot  
Medium Lot  
Small Lot

Overall Maximum 6.0 du/ac

ACREAGE: 19.0

MAX. TOTAL UNITS: 114



TO EXISTING  
BOONE COUNTY  
LIFT STATION  
2,500 FT.

EXISTING WATER TOWER

FR. CROWN ROAD (SR 536)

SR 2 ZONE

SR 3 ZONE

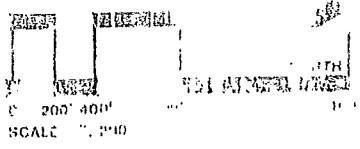
SR 1 ZONE

SR 1 ZONE

CLUBHOUSE

EAST ACCESS

SR 2 ZONE



SR 2 ZONE

WEST ACCESS

THESE ARE THE ONLY AREAS THAT ARE PROPOSED TO BE DEVELOPED

TRIPLE CROWN COUNTRY CLUB PRELIMINARY DEVELOPMENT PLAN SR 2 / R / PD

PRELIMINARY DEVELOPMENT PLAN  
**TRIPLE CROWN COUNTRY CLUB**

RICHWOOD ROAD TO ROGERTOWN ROAD  
RICHWOOD, BOONE COUNTY, KY

SCALE 1" = 200'

APR. 22, 1983  
APPROVED

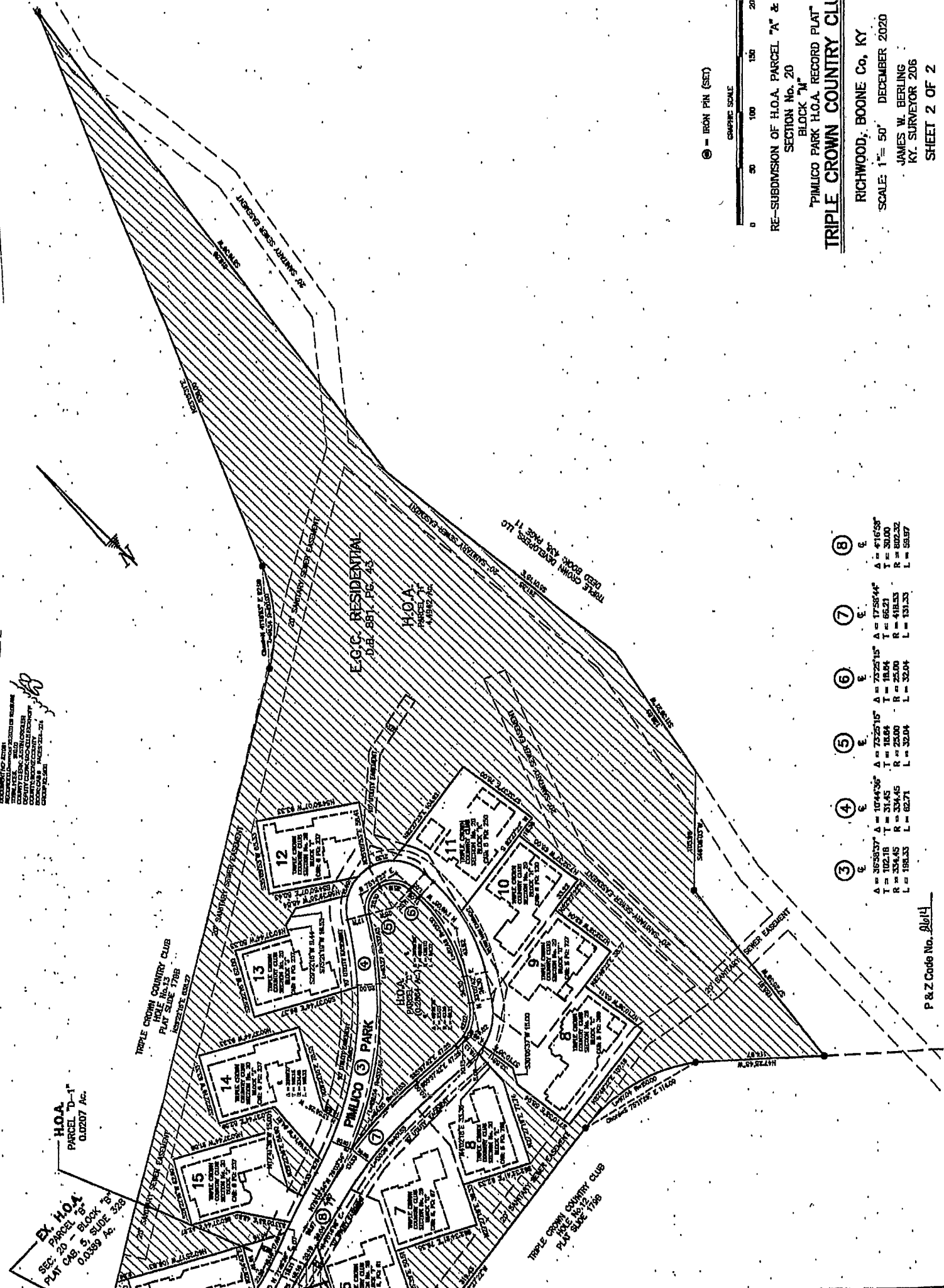


REVISED PER REQUEST OF BOONE CO. PLANNING COM. STAFF # 231 / 83

James W. Blythe  
Professional Engineer  
Professional Surveyor

To Boone County Water and Sewer Dept.  
 1000 W. 1st St. Richmond, KY 40475





DOCUMENT NO. 2018  
 PREPARED BY: JAMES W. BERLING  
 COUNTY CLERK, BOONE COUNTY, KY  
 COUNTY CLERK'S OFFICE  
 1000 W. MAIN ST., BOONE, KY 40309  
 PHONE: 502-885-2222

H.O.A.  
 PARCEL T-1  
 0.0207 Ac.

EX. H.O.A.  
 PARCEL 18  
 CAB 5 SLIDE 328  
 0.0389 Ac.

⊙ = IRON PIN (SET)

GRAPHIC SCALE



RE-SUBDIVISION OF H.O.A. PARCEL "A" &  
 SECTION No. 20  
 BLOCK "M"

**TRIPLE CROWN COUNTRY CLUB**

RICHWOOD, BOONE Co, KY

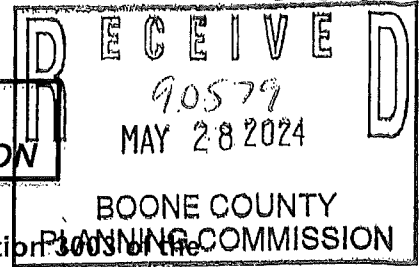
SCALE: 1" = 50' DECEMBER 2020

JAMES W. BERLING  
 KY. SURVEYOR 206

SHEET 2 OF 2

Parcel No.	Area (A)	Perimeter (P)	Volume (V)	Length (L)
3	3638377	102.18	354.45	158.53
4	1074436	31.45	334.45	62.71
5	7325715	73.25	18.64	32.04
6	7325715	16.64	25.00	32.04
7	1758744	66.21	418.53	131.53
8	41658	30.00	802.32	53.57

P & Z Code No. 81014



WAIVER OF REQUIREMENTS
BOONE COUNTY PLANNING COMMISSION

See Section 155 of the Boone County Subdivision Regulations or Section 1003 of the Boone County Zoning Regulations

It is recommended that a drawing and a letter be submitted with the application form

Fee: \$250.00 application fee for each waiver request of any Site Plan or Subdivision Regulation requirement

SECTION A: (To be completed by applicant)

1. Name of Development/Subdivision/Site: Triple Crown Country Club / Section No. 20

Location: Pimlico Park

Union KY 41091
City State Zip Code

2. Total Acreage Under Review: 0.4594 Acres

3. Property Owner: Pimloco Park Homeowners Association, Inc.

Address: 10587 Pimlico Park

Union KY 41091
City State Zip Code

Phone Number: 859-802-2524 Fax Number:

Email: mangin@re@gmail.com

4. Applicant: Tony Berling

Address: 1671 Park Road - Suite One

Fort Wright KY 41011
City State Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

5. List each subdivision regulation or site plan requirement being requested to be waived:

A. [X] Subdivision Regulation [ ] Zoning Regulation
Article 2 4 Section 315 405 Subsection B. 4

Requirement Summary:

---

---

---

Reason(s) For Requested Waiver:

To allow for 3 additional detached residential homes

---

---

---

- B.  Subdivision Regulation  Zoning Regulation

\_\_\_\_\_  
Article

\_\_\_\_\_  
Section

\_\_\_\_\_  
Subsection

Requirement Summary:

---

---

---

---

Reason(s) For Requested Waiver:

---

---

---

---

- C.  Subdivision Regulation  Zoning Regulation

\_\_\_\_\_  
Article

\_\_\_\_\_  
Section

\_\_\_\_\_  
Subsection

Requirement Summary:

---

---

---

---

Reason(s) For Requested Waiver:

---

---

---

---

ORIGINAL Property Owner's Signature: *Paul Mangione*

Applicant's Signature: *Rubik Mangione* *Tom Furling*

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 5/28/24 Fee Received: 8250 Receipt #: 90579
2. Is application complete:  Yes  No
3. Staff Reviewer: M. Schwartz
4. Letter submitted by applicant: \_\_\_\_\_
5. Zoning Administrator Action: \_\_\_\_\_ Date of Action: 5/29/2024  
 Approved  
\_\_\_\_\_ Approved with Conditions (see #6)  
\_\_\_\_\_ Denial (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Date Letter Sent To Applicant: \_\_\_\_\_

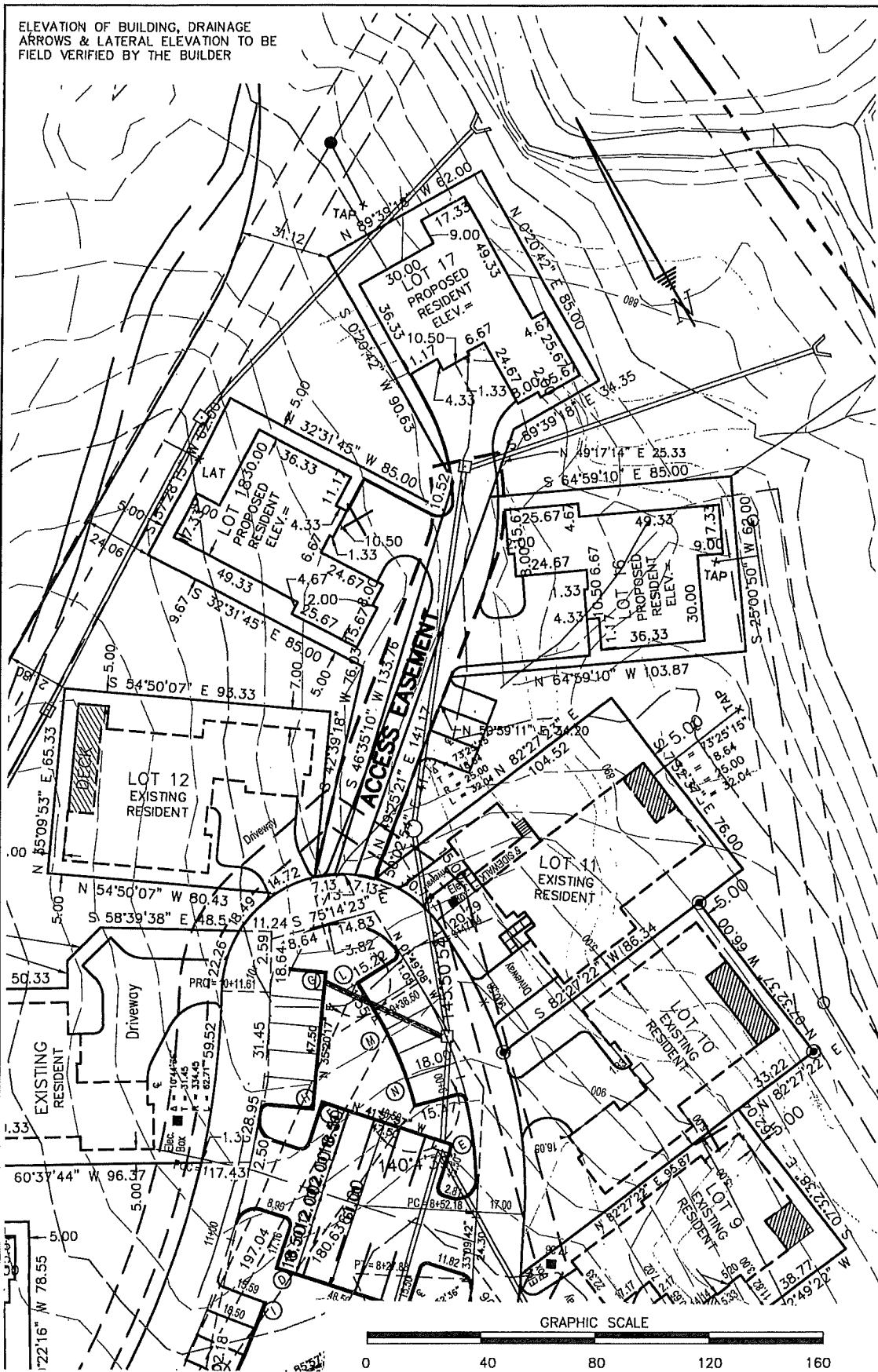
Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)


- The request is consistent with the approved Concept Development Plan (R-34-89)
- The request is consistent with Section 202 of the Subdivision Regulations
- The request will not adversely affect the public health, safety, or welfare
- The request does not pose an unreasonable circumvention of the regulations
- The site has the PD Overlay district which allows modifications to the underlying zone(s)
- The request will provide for development that is consistent with the existing land use of adjacent areas

M. Schwartz

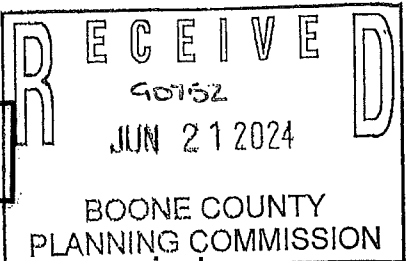
5/29/2024

ELEVATION OF BUILDING, DRAINAGE  
ARROWS & LATERAL ELEVATION TO BE  
FIELD VERIFIED BY THE BUILDER



<b>BUILDER</b> <b>FRAZER HOMES</b>	<b>SUBDIVISION</b> TRIPLE CROWN COUNTRY CLUB PIMLICO PARK UNION, KENTUCKY	<b>SECTION</b> <b>20</b>	<b>LOT NUMBERS</b> <b>16, 17 &amp; 18</b>
<b>OWNER</b> FRAZIER HOMES 4565E E CALBRAITH ROAD CINCINNATI, OH 45236 PHONE# (513) 206-6919	<b>DATE</b> 5/17/24 <b>SCALE</b> 1" = 40' <b>IMPROVEMENT PLAN APPROVAL</b>  = TREE TO BE PICKED FROM THE PLANT LIST "A"	<b>PREPARED BY:</b> CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 (859) 331-9191	

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



One (1) scaled copy and one (1) 11 x 17 reduction of submitted drawings ~~are required~~

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

**SECTION A:** (To be completed by applicant)

1. Check One  Boone  Florence  Walton  Union
2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
3. Applicant: Keating Muething & Klekamp PLL, on behalf of Gary Carver and James Sesher  
Address: 1 E Fourth Street, Suite 1400  
Cincinnati OH 45202  
City State Zip Code  
Phone Number: (513) 579-6400 Fax Number: (513) 579-6457  
Email: jparsons@kmlaw.com
4. Description of Request:  
Appeal of the Zoning Administrator's approval of the Application for Waiver of Requirements, dated May 28, 2024, from Tony Berling, Application. The Application and Waiver attached as Exhibit A.
5. Name of Development: Triple Crown Country Club/Section No. 20
6. Location of Development: Pimlico Park  
Union KY 41091  
City State Zip Code
7. Acreage Under Review: \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision):  
Triple Crown Country Club/Section No. 20
9. Current Owner: Pimlico Park Homeowners Association, Inc.  
Address: 2320 Grandview Drive, Suite 101  
Ft. Mitchell KY 41017  
City State Zip Code  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

10. Proposed Use(s) on Site: \_\_\_\_\_
11. Total Square Footage of Existing and/or Proposed Buildings: \_\_\_\_\_
12. Current Zoning: \_\_\_\_\_ Exempt Open Space
13. 

1163	382	2064
Deed Book	Page	Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_ May 29, 2024
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

*Keating Muehly + Kleber PLLC*  
*By: Jim Larson, Partner*  
*on behalf of Gary Carver and James Sester*

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 6/21/2024 Fee Received: \$ 716.00 Receipt #: 90752

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: \_\_\_\_\_

5. Board Action: \_\_\_\_\_

\_\_\_\_\_ Approved

\_\_\_\_\_ Approved with Conditions (see #6)

\_\_\_\_\_ Denial (See #7)

6. Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Reasons for Denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

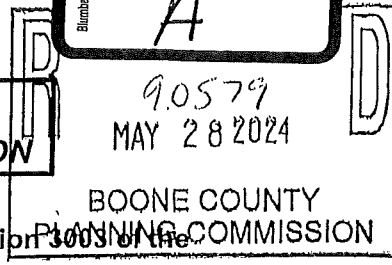
\_\_\_\_\_

\_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)



**WAIVER OF REQUIREMENTS  
BOONE COUNTY PLANNING COMMISSION**



See Section 155 of the Boone County Subdivision Regulations or Section 303 of the Boone County Zoning Regulations

It is recommended that a drawing and a letter be submitted with the application form

Fee: \$250.00 application fee for each waiver request of any Site Plan or Subdivision Regulation requirement

**SECTION A: (To be completed by applicant)**

1. Name of Development/Subdivision/Site: Triple Crown Country Club / Section No. 20  
Location: Pimlico Park  
Union KY 41091  
City State Zip Code

2. Total Acreage Under Review: 0.4594 Acres

3. Property Owner: Pimloco Park Homeowners Association, Inc.  
Address: 10587 Pimlico Park  
Union KY 41091  
City State Zip Code

Phone Number: 859-802-2524 Fax Number: \_\_\_\_\_

Email: mangini@re@gmail.com

4. Applicant: Tony Berling  
Address: 1671 Park Road - Suite One  
Fort Wright KY 41011  
City State Zip Code

Phone Number: 859-331-9191 Fax Number: 859-344-7422

Email: tberling23@gmail.com

5. List each subdivision regulation or site plan requirement being requested to be waived:

A.  Subdivision Regulation  Zoning Regulation  
2 4 315 405 B.4  
Article Section Subsection

Requirement Summary:

\_\_\_\_\_

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Reason(s) For Requested Waiver:

To allow for 3 additional detached residential homes

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B.  Subdivision Regulation  Zoning Regulation

\_\_\_\_\_ Article

\_\_\_\_\_ Section

\_\_\_\_\_ Subsection

Requirement Summary:

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Reason(s) For Requested Waiver:

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C.  Subdivision Regulation  Zoning Regulation

\_\_\_\_\_ Article

\_\_\_\_\_ Section

\_\_\_\_\_ Subsection

Requirement Summary:

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Reason(s) For Requested Waiver:

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ORIGINAL Property Owner's Signature: *Ralph Mangione*

Applicant's Signature: *Ralph Mangione Tam Furling*

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 5/28/24 Fee Received: (\$250) Receipt #: 90579
2. Is application complete:  Yes  No
3. Staff Reviewer: M. Schwartz
4. Letter submitted by applicant: \_\_\_\_\_
5. Zoning Administrator Action: \_\_\_\_\_ Date of Action: 5/29/2024  
 Approved  
\_\_\_\_\_ Approved with Conditions (see #6)  
\_\_\_\_\_ Denial (See #7)
6. Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Date Letter Sent To Applicant: \_\_\_\_\_

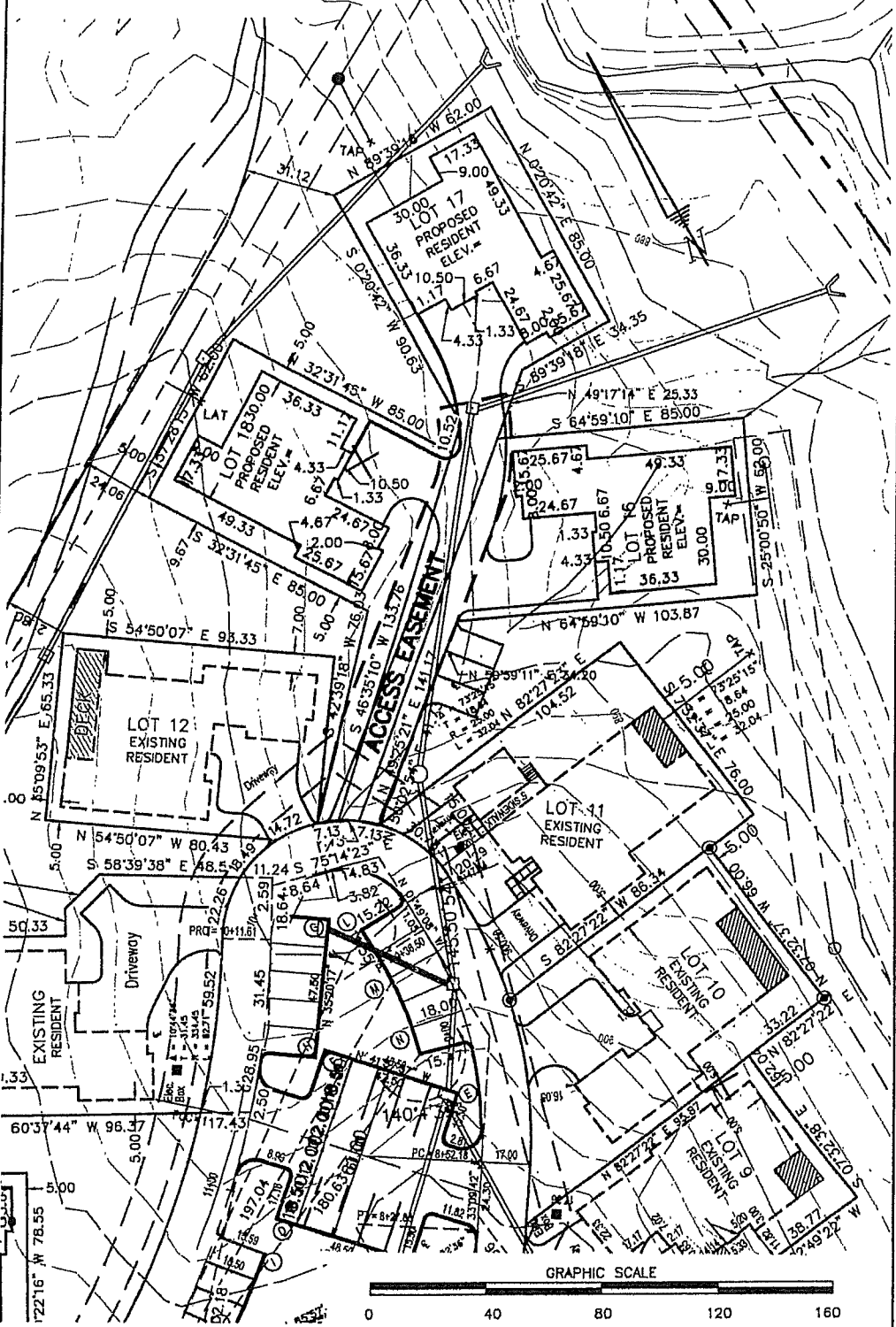
Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)


- The request is consistent with the approved Concept Development Plan (R-34-89)
- The request is consistent with Section 202 of the Subdivision Regulations
- The request will not adversely affect the public health, safety, or welfare
- The request does not pose an unreasonable circumvention of the regulations
- The site has the PD Overlay district which allows modifications to the underlying zone (s).
- The request will provide for development that is consistent with the existing land use of adjacent areas

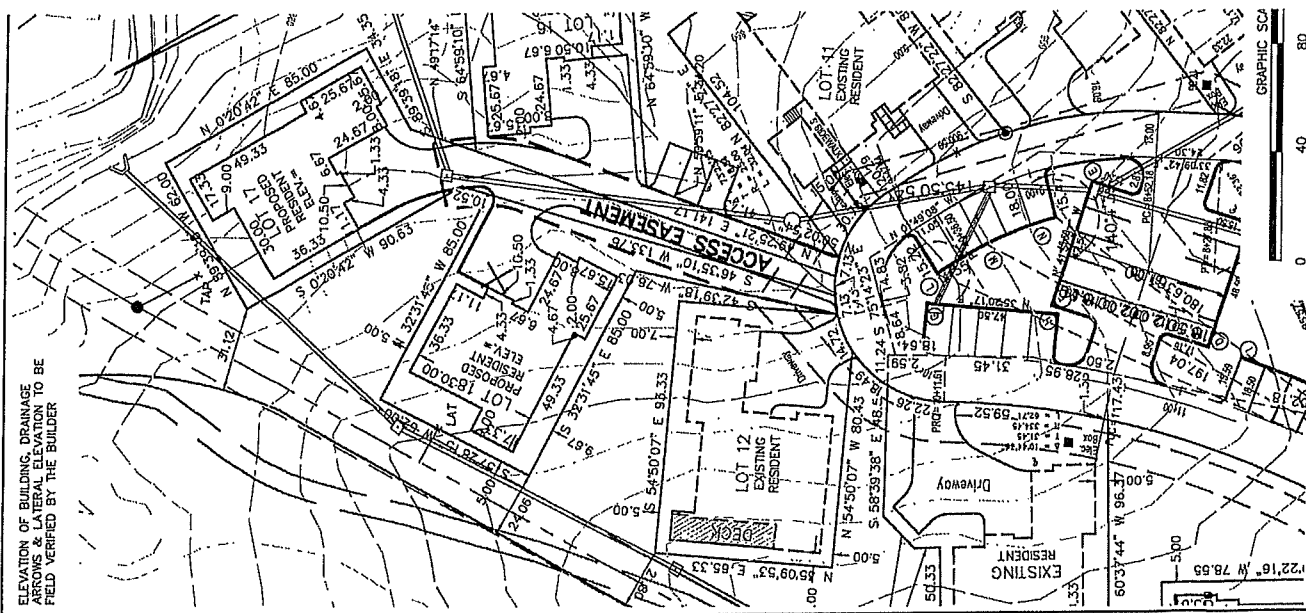
M. Schwartz

5/29/2024

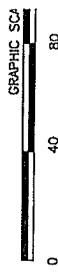
ELEVATION OF BUILDING, DRAINAGE  
ARROWS & LATERAL ELEVATION TO BE  
FIELD VERIFIED BY THE BUILDER



<b>BUILDER</b> <b>FRAZER HOMES</b>	<b>SUBDIVISION</b> TRIPLE CROWN COUNTRY CLUB PIMLICO PARK UNION, KENTUCKY	<b>SECTION</b> <b>20</b>	<b>LOT NUMBERS</b> <b>16, 17 &amp; 18</b>
<b>OWNER</b> FRAZIER HOMES 4565E E GALBRAITH ROAD CINCINNATI, OH 45236 PHONE# (513) 206-6919	<b>DATE</b> 5/17/24 <b>SCALE</b> 1" = 40' <b>IMPROVEMENT PLAN APPROVAL</b>  = TREE TO BE PICKED FROM THE PLANT LIST "A"	<b>PREPARED BY:</b> CHRIS BERLING JAMES W. BERLING ENGINEERING 1671 PARK ROAD, SUITE ONE FT. WRIGHT, KENTUCKY 41011 (859) 331-9191	



ELEVATION OF BUILDINGS, DRAINAGE ARROWS & LATERAL ELEVATION TO BE FIELD VERIFIED BY THE BUILDER



<b>FRAZER HOMES</b>	
OWNER	FRAZIER HOMES 4565 E GALBRAITH ROAD CINCINNATI, OH 45236 PHONE# (513) 206-6919
DATE	5/17/24
SCALE	1" = 40'
PREPARED BY:	DEPENDENT PLAN APPROVAL
BUILDER	TRIPLE CROWN COUNTRY CLUB PIMLICO PARK UNION, KENTUCKY
SECTION	2

## EXHIBIT B – GROUNDS FOR APPEAL

Keating Muething & Klekamp PLL (the “Applicant”), on behalf of Gary Carver and James Sesher, submits the following in support of its appeal:

- A. Gary Carver and James Sesher are the immediately adjacent homeowners to the planned new lots that will be developed if the appeal is denied and are directly impacted by the planned construction of the lots.
  - Gary Carver’s address is: 10565 Pimlico Park, Union, KY 41091.
  - James Sesher’s address is: 10561 Pimlico Park, Union, KY 41091.
  
- B. The Applicant submits that the Zoning Administrator abused his discretion in granting the Waiver, due to the following:
  - The Zoning Administrator’s approval of the Pimlico Park Homeowner’s Association, Inc.’s (the “Association”)’s waiver of requirements totally ignored four the requirements for flag lots as set forth in Boone County Subdivision Regulations (the “Regulations”). Namely, the Zoning Administrator ignored Boone County Subdivision Regulation § 405(B)(4)(c). Such section of the Regulations requires the following:
    - A single flag lot must have twenty (20) feet of frontage on a publicly dedicated street; and two contiguous flag lots, thirty (30) feet of frontage on a publicly dedicated street with a common driveway is required (there are no provisions for three (3) flag lots, but to accommodate three (3) homes you would assume additional width would be required); and
    - With two contiguous flag lots, a deeded fifteen (15) foot strip of land for each lot is required with a common, unobstructed access easement for a shared driveway to a public street – the access width does not allow of the required width of the easement.
    - There is no provision for more than two (2) flag lots, but the Waiver approved three (3).
    - The driveway must be five (5) feet from each property line unless **APPROVED BY THE PLANNING COMMISSION**. The submitted plan cannot meet this requirement.
    - The number of flag lots may exceed the 10% limit.
  - The Zoning Administrator did not just waive the requirements under the Regulation, but abrogated the requirements relating to flag lots.

- The approval by the Zoning Administrator creates unsafe conditions, because it significantly reduces the width required for driveways and the distance required between property owners.
- The approval creates significant, negative consequences to the immediately adjoining property owners, namely Gary Carver and James Seshher, which were not considered by the Zoning Administrator when granting the waiver.
- The findings of the Zoning Administrator in support of his decision are not supported by the facts due to the following:
  - The Zoning Administrator's reliance on the originally approved concept plan, submitted in 1989, was inappropriate because the final plan for the subdivision was different than the originally approved concept plan.
  - The section of Triple Crown, referred to as Pimlico Park, is fully developed and the developer, after finishing the development, conveyed the excess land to the Association.
  - If the plan had been to further develop Pimlico Park, the original developer would have retained access to the public street, consistent with the Regulations to allow for additional homes to be developed in accordance with the approved concept plan.
- The findings of the Zoning Administrator do not meet the requirements under the Regulations, because the Zoning Administrator did not identify any "unusual or extreme circumstances" to grant the waiver.

C. The Application itself is defective for the following reasons:

- The Application did not list reasons to grant the waiver other than for the construction of additional residential homes.
- The application did not show any "unusual or extreme circumstances" to grant the waiver.
- It is questionable that the application is valid, because it was not authorized by the Association's Board of Directors as required by the Association's By-Laws.

For these reasons, Keating Muething & Klekamp PLL, on behalf of Gary Carver and James Seshher, respectfully requests that the Boone County Board of Adjustment reverse the decision of the Zoning Administrator and set aside the Waiver.